

I am Hon. Stuart Case, Probate Judge for the District of Hampton, and I oppose this bill in its entirety. What it proposes essentially continues the flawed system currently in place, and does not address the needs for real checks and balances in the administration of the probate courts. It continues the present policy of creating an administrative official with power over the probate courts, who is responsible only to one person—the Chief Justice—and not to the probate judges, the Legislature, the Governor, or the people of Connecticut. It is too much like what we have.

I would suggest that the Probate Administrator be nominated by the Governor from a list submitted by the Probate Assembly, and be confirmed by the State Legislature. (The Chief Justice also would be allowed to submit a nomination to the Governor, if desired.)

The term should be limited to four years, with the option of being re-nominated for successor terms by the same process. The Administrator should be nominated from the ranks of sitting probate judges, but upon taking office should be required to resign the judgeship. (I don't see how any judge, especially from a larger court, would have time to do both jobs properly.)

The administrator should be subject to a vote of “no confidence” by the Probate Assembly, before the end of the term, after which the Legislature should have to vote on whether he should continue his or her term or not. (It would be less than an impeachment, because no crime would have to be alleged or proven, just that the administration of the office was not being carried out in such a way that the judges, voting in Probate Assembly, had confidence that the job was

being done fairly and responsibly.) The Assembly should also have the power to recommend to the legislature at the end of the term whether or not it believed the administrator was worthy of re-confirmation.

The reason for this is that the Administrator's job is administrative, not judicial. As such his appointment process should be closer to that of a department administrator, and should not be granted the extended tenure that a judge supposedly needs to assure his/her complete judicial independence and immunity from the democratic process.